

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA. No. 2587/99.

C.A. - - - /99.

1098/99

Dt. of Decision : 14-07-99.

- | | |
|---------------------------|------------------------|
| 1. P.Srinivasa Rao | 17. P.Ravi Kumar |
| 2. K.V.Suryanarayana | 18. Govinda Rami Reddy |
| 3. G.Prasada Rao | 19. D.Kiran Kumar |
| 4. V.Srinivasa Rao | 20. B.Vasudeva Rao |
| 5. V.Ramana Murthy | 21. P.Srinivasa Rao |
| 6. S.Eswara Rao | 22. S.Mohan Rao |
| 7. Ch. Balakrishna | 23. V.Rama Rao |
| 8. P.Venkata Appala Naidu | 24. Y.Chinna Rao |
| 9. D.Manikandan | 25. J.Gangadhar Rao |
| 10. B.Narayana Rao | 26. D. alaram |
| 11. T.Nagaraju | 27. V.Nagabhushan Rao |
| 12. E.Ramesh Kumar | 28. D.Umamaheswara Rao |
| 13. L.Suryanarayana | 29. Y.Krishna Rao |
| 14. V.Kameswara Rao | 30. P.S.Rao |
| 15. B.Anantha Rao | 31. Gorralla Balayogi. |
| 16. Y.Rajagopa. | |

..Applicants.

Vs

1. The Divisional Railway Manager,
South Eastern Railways, Waltair
Division, Visakhapatnam.
2. The Divisional Railway Manager (P),
Waltair Division, SE Rly,
Visakhapatnam.

..Respondents.

Counsel for the applicants : Mr.P.Bhsakar

Counsel for the respondents : Mr.C.V.Malla Reddy, SC for Rlys.

CORAM:-

THE HON'BLE SHRI R.PANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)





..2/-

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ORDER

ORAL ORDER (PER HON. SHRI R.RANGARAJAN : MEMBER(ADMN.))

Heard Mr.P.Bhaskar, learned counsel for the applicant and Mr.Venugopal for Mr.C.V.Malla Reddy, learned counsel for the respondents.

2. There are 31 applicants in this OA. They submit that they have applied for the post of Gangman in response to the notification No.WPT/5/G.MAN/GD/OMR, 98 Dated 9-5-98 (Annexure-I). They further add that they tried to submit their application in Madhya Pradesh and Korakput Region. But they could not file their application as they were prevented from doing so. Subsequently some of them or all of them submitted their applications in the Divisional Office. A second notification No.WPT/5/G.MAN/GD/OMR/98 Dated 22-5-98 was also issued for filling up the post of Gangman in Visakhapatnam, Srikakulam, Vizianagaram and Koraput. The applicants submit that they also submitted their applications. They also underwent the necessary test and all these applicants were reported to have been empanelled for that post. But the name of the applicants were found in 2 AEN Units. Earlier to the issue of the panel an under taking was obtained from them to the effect that they had applied for only one unit. When it came to the notice that they applied for 2 units and thereby^{got} selected in more than one unit, The respondents took it as a concealment of the fact and hence issued a show cause notice in that connection by the impugned show cause notice dated 28-06-99 (Annexure-III). The

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applicants were given 15 days time for filing their reply. The applicants submit that they had filed their representation also. It appears that no decision has been taken on their reply so far.

3. This OA is filed for a declaration that the show cause notice is illegal, arbitrary, discriminatory and for a consequential direction to issue appointment to the applicants as Gangman in the scale of Rs.2610-3540/- if they are otherwise eligible.

4. The name of the applicants have not been deleted from the empanelled list. The respondents have issued show cause notice so as to decide as to the correctness of ~~the~~ empanelling them. They followed the principle of natural justice by issuing the show cause notice. Hence it is up to the applicants to explain their position and on that basis a final decision has to be taken by the respondents. The applicants submit that while disposing of the show cause notice they contend that the respondents may also be taken note of the contents of the OA. We do not consider it necessary. What all they contended in this OA should find a place in the reply. However to further assist the applicants they may now file another supplementary reply to the show cause notice within a period of 10 days from to-day. If such a representation is received within the stipulated time the initial as well as this supplementary representations should be disposed of in accordance with law by the competent respondent authorities within 45 days from the date of receipt of the supplementary representation. If no supplementary representations are submitted within the stipulated time the earlier representations of the applicants should be disposed of on or before 30th


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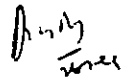
August, 1999. Till such time the representations are disposed of 31 posts of Gangman will not filled.

5. With the above direction the OA is disposed of at the admission stage itself. No costs.


(B.S. JAI PARAMESHWAR)
14/7/99
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 14th July, 1999.
(Dictated in the Open Court)



SPR

1st AND 11nd COURT.

COPY TO:-

1. HDHNE

2. HHSP M(A)

3. HSSJP M(J)

4. D.R. (A)

5. SPARE

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. KASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. D.S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER: Date. 14.7.99

ORDER / JUDGMENT

MA./RA./CP.NO

IN

DA.NO. 1098/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

28 JUL 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH